

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DONALD M. BUTLER and BETTY
BUTLER,

Plaintiffs,

vs.

CRAIG E. HOWE, DAVID LOVEKIN as
the Personal Representative of ANNE
BARTHOLOMEW, NICHOLAS G.
BIANCOVDO, BYNUM TRANSPORT,
JERRY C. AMES, RONNIE
DOWDY, INC., and BETTER BUILT
CONSTRUCTION,

Defendants.

Civil No. 8:04CV61

ORDER OF DISMISSAL

NOW ON this 9th day of December, 2005, this matter came on for hearing on the
following Motions:

1. Plaintiffs' Motion to Dismiss With Prejudice;
2. The Motion to Dismiss Counterclaim With Prejudice filed by Defendant
Craig E. Howe;
3. The Motion to Dismiss Counterclaim With Prejudice filed by Defendants
and Counterclaimants, Nicholas G. Biancardo a/k/a Nicholas G. Biancovdo and Bynum
Transport;
4. The Motion to Dismiss Cross-Claim Without Prejudice filed by Defendant
and Cross-Claimant, David Lovekin, Personal Representative of Anne Bartholomew;
5. The Motion to Dismiss Cross-Claim Without Prejudice filed by Defendant
and Cross-Claimant, Bynum Transport Company; and

6. The Motion to Dismiss Cross-Claim Without Prejudice filed by Defendant and Cross-Claimant, Better Built Construction.

The Court, being fully advised in the premises, finds that the Motions should be sustained. IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT as follows:

1. Plaintiffs' Motion to Dismiss is hereby granted and Plaintiff's Complaint and causes of action are hereby dismissed with prejudice;

2. The Motion to Dismiss Counterclaim With Prejudice filed by Defendant Craig E. Howe is hereby granted and said Defendant's Counterclaim is hereby dismissed with prejudice;

3. The Motion to Dismiss Counterclaim With Prejudice filed by Defendants and Counterclaimants, Nicholas G. Biancardo a/k/a Nicholas G. Biancovdo and Bynum Transport, is hereby granted and said Defendants' Counterclaim is hereby dismissed with prejudice;

4. The Motion to Dismiss Cross-Claim Without Prejudice filed by Defendant and Cross-Claimant, David Lovekin, Personal Representative of Anne Bartholomew, is hereby granted and said Defendant's Cross-Claim is hereby dismissed without prejudice;

5. The Motion to Dismiss Cross-Claim Without Prejudice filed by Defendant and Cross-Claimant, Bynum Transport Company, is hereby granted and said Defendant's Cross-Claim is hereby dismissed without prejudice;

6. The Motion to Dismiss Cross-Claim Without Prejudice filed by Defendant and Cross-Claimant, Better Built Construction, is hereby granted and said Defendant's Cross-Claim is hereby dismissed without prejudice;

BY THE COURT:

s/ Joseph F. Bataillon
Joseph F. Bataillon
United States District Judge

PREPARED AND SUBMITTED BY:

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